

YOUTH SERVICES POLICY

Title: Assignment, Reassignment, Release and Discharge of Youth Next Annual Review Date: 03/15/2011	Type: B. Classification, Sentencing and Service Functions Sub Type: 2. Classification Number: B.2.1
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References: ACA Standards 2-CO-4A-01, 2-CO-4B-01, 2-CO-4B-03, 2-CO-4B-04, 2-CO-4F-01 (Administration of Correctional Agencies); 2-7116, 2-7117, 2-7119, 2-7120, 2-7172, and 2-7193, 2-7194, 2-7195, 2-7196 and 2-7197 (Juvenile Probation and Aftercare Services) and 4-JCF-5I-04, 4-JCF-3A-22, 4-JCF-3A-23, 4-JCF-3A-24, 4-JCF-3A-25, 4-JCF-3A-26 (Performance-Based Standards for Juvenile Correctional Facilities); La. Children's Code Articles 116(24.2), 787, 897(B), 897.1, 898(C)(3), 899(B), 908, 909, 911, and 912; La. R.S. 15:901 C and D(1); YS Policies B.2.2 "Youth Classification System", B.2.3 "Direct Admission", B.2.5 "Short Term Offender Program", B.2.8 "Specialized Behavior Management Units" and B.2.11 "Modification of Disposition"; DYS Policies 10.18 "Short Term Offender Programs", 10.28 "Aftercare", and 10.32 "SAVRY Assessment"	
STATUS: Approved	
Approved By: Mary L. Livers, Deputy Secretary	Date of Approval: 03/15/2010

I. AUTHORITY:

Deputy Secretary of Youth Services as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish the Deputy Secretary's policy regarding the assignment, reassignment, release and discharge of youth committed to the custody of Youth Services (YS).

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Chief of Operations, Deputy Assistant Secretaries, Facility Directors, and Regional Managers.

IV. DEFINITIONS:

Aftercare Plan – a written plan developed by Community Based Services, in collaboration with secure facility staff, which identifies the youth's specific needs, the services necessary to meet these needs, and follow-up actions to be taken upon release to facilitate successful transition and reintegration into the community and the level of supervision required to ensure public safety.

Assessment – the process of gathering the necessary social, legal, psychological, behavioral, medical, educational, social service screening documents and other information about the youth to indicate the appropriate level of care and custody and to determine the appropriate treatment plan for the youth during his/her commitment.

Assignment – the process of placing a youth in an available program or facility most appropriate to meet identified needs and risks consistent with instructions received from the court recommending either secure or non-secure placement, unless an exception is approved by the Deputy Secretary/designee in accordance with Section (V).

Case Manager - A generic term used within a secure care facility to identify members of the counseling profession, e.g., Social Services Counselor, Clinical Social Worker, Program Manager, Group Leader, or a treatment team member assigned to manage a youth's case.

Consideration for Recommendation of Modification (CRM) – a form [Attachment B.2.1 (a)] used by facility case managers to substantiate documentation of recommendation for modification of disposition.

Custody Non-Secure Delinquent (CND) Time – the length of time expressed in years, months, and/or days remaining on all open dispositions with a JETS case type of CND.

Custody Secure Delinquent (CSD) Time – the length of time expressed in years, months, and/or days remaining on all open dispositions with a JETS case type of CSD.

Custody Staff - all security personnel.

Discharge – the termination either by a court order or expiration of a court order of YS legal responsibility for a youth (i.e. custody or supervision).

Discharge Date – the day following the last inclusive date of supervision or custody of a youth as ordered by a court.

Disposition (also known as Judgment of Disposition) – the written order of the court, following adjudication, which assigns custody/supervision and the terms thereof.

Early Release - The process by which a court order removes a youth from YS custody and allows his/her return to the community under supervision.

Juvenile Electronic Tracking System (JETS) - the centralized database used to track all youth under OJJ supervision.

Medium/Minimum Custody – that custody level at which a youth is eligible for consideration for recommendation for reassignment, release or discharge when other factors as outlined herein are met.

Modification of Disposition – the process by which the court modifies a previous disposition to include changing the youth's legal custody, suspending all or part of any order of commitment, eliminating conditions of probation, or adding any further conditions authorized by the La. Children's Code Articles 897(B) or 899(B). A Modification of Disposition order may also terminate an Order of Disposition at any time while the latter is still in force.

Reassignment – the authorized move of a custody youth from one facility or program to another.

Reintegration/Transition Plan - a written plan [see Attachment B.2.1 (b)] prepared by the youth's assigned caseworker, who identifies follow-up services needed by the youth upon release to facilitate successful transition and reintegration into the community and that is coordinated with Community Based Services to be used in completing an aftercare plan.

Release – the process by which a youth is removed from secure care to a less secure setting or returns to the community under supervision.

Releasing Authority – the court of juvenile jurisdiction per La. Children's Code Article 909.

Secure Care Center for Youth – a living environment characterized by a range of moderate to high security level facilities that include construction, fixtures and staff supervision designed to restrict the movements and activities of the residents, and to control, on a 24-hour basis, the ability of the residents to enter and leave the

premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent. [Ch.Code Article 116(24.2)]

The secure care centers operated by YS are as follows:

Bridge City Center for Youth (BCCY)
Jetson Center for Youth (JCY)
Swanson Center for Youth (SCY)

Short-Term Program (Fast-Track) – a program which limits the secure care facility portion to 90 – 120 days and if successfully completed, by a community reintegration component of up to 90 days.

Transfer Request Form (TRF) - a form generated through the OYD Case Management Database.

V. POLICY:

It is the Deputy Secretary's policy that the initial assignment of youth in the custody of YS shall be, whenever possible, in accordance with the recommendations of the court of jurisdiction. The Deputy Secretary/designee may make exceptions regarding assignments consistent with applicable law [LA R. S. 15:901.D (1)], the well-being of a youth, and in the interest of public safety.

The Deputy Secretary may make exceptions regarding any subsequent assignment consistent with applicable law and in the interest of public safety, the security of the facility, the well-being of a youth or the best interests of YS.

Youth and their parent(s) or legal guardian(s) shall be involved in case planning and shall be notified of assignment, reassignment and release recommendations resulting from the case staffing. In the event that a parent or legal guardian cannot be physically present, attempts will be made to engage the parent or legal guardian via a telephone conference.

YS initiated release or discharge of a custody youth from secure or non-secure programs/locations, prior to expiration of the order of disposition may be effected only through the filing of a modification of disposition or a self-modifying order.

VI. RECOMMENDATIONS REGARDING YOUTH SERVICES CUSTODY:

In all cases, YS staff recommendations to the court regarding a youth being considered for placement in the custody of YS shall be preceded by a case staffing. A thorough consideration of services not requiring removal from the

home shall be given prior to recommending a custody disposition and placement to the court.

If the case staffing supports a recommendation for custody, the staffing committee shall further determine whether the risks and needs presented by the youth may best be handled in a secure or non-secure setting. The SAVRY Assessment shall be utilized to determine a recommendation for secure or non-secure settings. YS recommendation in this regard, and the earlier recommendation for custody, shall be submitted to the court. Youth adjudicated under La. Children's Code Article 897.1 are not eligible for non-secure placement.

VII. ASSIGNMENT OF YOUTH IN YOUTH SERVICES CUSTODY:

As provided in La. R. S. 15:901 D(1), YS shall have sole custody of the "child" and, except as provided for in La. Children's Code Article 897.1, shall determine the child's placement, care and treatment, and the expenditures to be made through appropriate screenings, examinations, tests, or evaluations conducted under the supervision of YS.

Assignment of youth placed in YS custody shall be made to the least restrictive environment most appropriate to meet their needs, and consistent with the circumstances of the case, the protection of the child, the best interests of society and the safety of the public, within the resources available to YS.

If the case staffing recommendation results in an assignment to a program or facility inconsistent with the SAVRY assessment, adequate written justification must be provided to document the reasons for the recommendation and submitted to the Regional Manager or designee for final approval.

VIII. PROCEDURES FOR RECOMMENDING RELEASE/DISCHARGE OR REASSIGNMENT FROM NON-SECURE PROGRAMS:

A. Release from Custody:

Youth in YS custody assigned to non-secure programs may be recommended for release from custody following case review and staffing. Such recommendation shall be made to the court for consideration and disposition. A youth may only be released or discharged from YS custody by court order.

B. Reassignment within Non-Secure Care:

Youth in the custody of YS assigned to non-secure programs may be reassigned from one non-secure program to another. At any time during the

reassignment process, the youth and his/her parent or legal guardian may be given an opportunity to provide input regarding the reassignment.

C. Reassignment to Secure Care:

1. Delinquent youth assigned to non-secure custody may also be reassigned to a secure care facility following case review and staffing. The basis for the reassignment must be based on the youth's behavior as indicated in the residential facility progress reports and only after the facility has exhausted all available resources and their efforts have failed to maintain the youth in the facility. Transfers must be fully justified and documented in the youth's case record. The information shall be included in the information forwarded to the secure care facility. If reassignment to secure care is necessary on an emergency basis, authorization for admission must be obtained in accordance with secure intake guidelines. The committing court of jurisdiction shall be notified prior to or at the time of movement, if possible. In any case, such movement must be confirmed to the court and youth's parent/guardian, in writing within 48 hours, excluding weekends and holidays. All verbal notifications must also be documented in the youth's case record.
2. Youth reassigned to secure care shall be provided a due process hearing prior to transfer. In cases of an emergency transfer, the due process hearing shall be held within 48 hours of the date of the youth's arrival at the secure care facility. The Probation and Parole Officer (PPO) shall provide the facility case worker with the necessary verbal and written documentation needed to conduct the due process hearing within 24 hours of the date of the youth's arrival at the secure care facility. The appeal of the due process decision shall be addressed to the Director of the secure care facility to which the youth has been assigned. Such appeal shall be initiated by the youth in writing within five working days after admission. The decision of the Facility Director must be rendered within two working days and can be appealed in writing to the Deputy Secretary/designee within ten (10) days. The decision of the Deputy Secretary/designee is final.

IX. PROCEDURES FOR RECOMMENDING REASSIGNMENT, RELEASE OR DISCHARGE FROM SECURE CARE FACILITIES:

Eligibility based upon meeting these guidelines does not apply to youth committed under the provisions of La. Children's Code Article 897.1, a short term program, or who has a self-modifying order.)

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- A. A Youth in the custody of YS assigned to a secure care facility shall be considered for reassignment to a non-secure program, release or discharge from custody when the youth has met the minimum guidelines for a facility recommendation for modification. In these cases, a modification of disposition must be filed in accordance with YS policy.
- B. Guidelines for Facility Recommendation for Reassignment or Release:
 - 1. Achievement of acceptable progress in the facility's educational, vocational and specified need areas as identified on the IIP;
 - 2. Attainment of minimum or medium custody level; and
 - 3. Reintegration plan approved by the Case Manager supervisor.
- C. When a youth has met the criteria for consideration of modification, the case manager shall prepare documentation for the quarterly staffing. Clear indicators of the youth having met the criteria shall be documented on the Consideration for Recommendation of Modification Form (CRM) [B.2.1 (a)]. The CRM form should be completed when the youth has met the guidelines as outlined in Section IX.B. of this policy, except for those youth committed under the provisions of La. Children's Code Article 897.1 and those assigned to a short-term program. A recommendation for early release consideration must also be entered into JETS whenever a CRM form is completed.
- D. As per YS Policy No. B.2.9 "Youth Placement Review Process", a facility may consider a youth for modification, or release, who has not met all of the guidelines when circumstances of the case warrant such consideration.
- E. The facility's case worker will contact the PPO assigned to the case or his supervisor within ten (10) working days of the youth meeting modification guidelines to discuss the youth's progress and whether the youth is ready to be released from secure care. If there is disagreement, the matter will be submitted to the Facility Director for a decision.
- F. If it is agreed that the youth is ready to exit from secure care, a case staffing will be held during the next scheduled regional staffing. The youth's progress during his commitment will be discussed during the case staffing and his aftercare plan and Reintegration/Transition Plan [Attachment B.2.1 (b)] will be finalized, using the guidelines in Attachment B.2.1 (c). Written confirmation of the case staffing shall be documented in the youth's case record on the CRM form. The facility case worker shall notify the youth's parent or guardian of the scheduled staffing, invite them to participate and document the contact on

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- a Progress Notes form in the youth's case record under Clip II, and file the Letter of Invitation under Clip VIII.
- G. During the interval prior to the case staffing, the PPO shall meet with the youth's parent/guardian and conduct a home study. Upon completion, the PPO shall provide the facility case worker with the results. If there are any changes in the recommendation previously agreed upon (such as the youth having been recommended to return home, however; upon completion of the home study, it was determined that the environment was unsatisfactory and group home placement is now being recommended), those changes shall be discussed and finalized at this point. The youth's aftercare plan shall then be reviewed and updated as provided by DYS Policy 10.28.

Previous Regulation/Policy Number: B.2.1

Previous Effective Date: 05/29/2009

Attachments/References:



B.2.1 (a) CRM form 3-15-10.docx



B 2 1 (b) reintegration-transition plan 3-10.doc



B.2.1 (c) reintegration-transition plan guidelines 3-10.doc